

Decision 03-03-029 March 13, 2003

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Williams Communications, LLC, a Delaware Limited Liability Company (U-6146-C) for Authority To Construct Specified Telecommunications Facilities.

Application 02-08-038  
(Filed August 30, 2002)

**DECISION GRANTING AUTHORITY TO CONSTRUCT SPECIFIED  
TELECOMMUNICATIONS FACILITIES**

**Summary**

By this decision, we approve Williams Communications, LLC's (WCLLC or Applicant)<sup>1</sup> proposed construction of certain facilities of the Sentry Maryville Project to meet customer-specific needs. This proceeding is closed.

**Background**

In Decision (D.) 99-10-062, this Commission granted WCLLC authority to operate as a facilities-based interexchange carrier using fiber-optic cable facilities that it would erect or install on existing structures. We also approved a mitigated negative declaration prepared by our staff pursuant to the California Environmental Quality Act (CEQA), Public Resources Code §§ 2000, et seq.

After the issuance of D.99-10-062, WCLLC petitioned to modify the decision on two separate occasions. The pleadings sought Commission

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<sup>1</sup> WCLLC was formerly known as Williams Communications, Inc., dba Vyvx, Inc.

environmental review under CEQA for (1) modifications to portions of one of the routes approved earlier, and (2) the addition of fiber optic facilities between the cities of Riverside and San Diego. For both projects, potential significant environmental impacts were identified, and as in D.99-10-062, amendments that would avoid or mitigate the impacts to a less than significant level were directed by our staff and agreed to by WCLLC.

The Commission approved the two petitions for modification, along with mitigated negative declarations, in D.00-06-035 and D.00-08-017. These two decisions also addressed the scope of WCLLC's existing certificate, limiting the facilities-based authority to specified construction projects. In the instant matter, WCLLC asserts that D.99-10-062 conferred it with statewide authority to construct facilities; however, it filed this application “out of an abundance of caution.”

### **Overview of the Application**

WCLLC requests leave to install a fiber optic cable near the City of Marysville in Yuba County, California. Specifically, the proposed linear alignments will occur in Yuba County along Ostrum Road with a small segment along South Beale Road, Avondale Road, and Hammonton Road for approximately 2000 feet, and under Union Pacific Railroad near the intersection of Farris and Biggs Gridley Road, Butte County.

### **Environmental Review**

The CEQA requires the Commission, as the lead agency, to assess the potential environmental impact of a project in order that adverse effects are avoided, alternatives are investigated, and environmental quality is restored or enhanced to the fullest extent possible.

Applicant will be installing conduit and fiber optics cable, and connect to existing dark fiber owned by Qwest and SBC California to serve customer-

specific needs. The proposed project will consist of six segments; new construction is proposed in three of the segments. The new fiber-optic conduits will be buried underground in existing public or railroad rights-of-way, in a rural community, and alongside cultivated farmlands.

We have reviewed the project proposed in the application for compliance with CEQA. Rule 17.1 of the Commission's Rules of Practice and Procedure requires the proponent of any project subject to Commission approval to submit with the application for approval of such a project a Proponent's Environmental Assessment (PEA). The PEA is used by the Commission to focus on any impacts of the project that may be of concern, and prepare the Commission's Initial Study to determine whether the project needs a Negative Declaration or an Environmental Impact Report.

Based on its assessment of the application and PEA, the Commission Staff prepared an Initial Study and Negative Declaration generally describing the project and the potential environmental effects. The Negative Declaration is considered a Mitigated Negative Declaration (MND). This means that, although the initial study identified potentially significant impacts, the Applicant has agreed to revisions that mitigate the impacts to a less than significant level. (Public Resource Code § 21080(c) (2).)

The Draft Initial Study and Negative Declaration (Draft MND) were specifically distributed to involved or otherwise interested public agencies, organizations, and members of the public for review and comment by February 4, 2003. Public comments on the Draft MND were reviewed and addressed, as necessary. The Commission Staff then finalized the MND. The Final MND includes a list of mitigation measures with which WCLLC must comply as a condition of its Certificate of Public Convenience and Necessity

authority for this project. The Final MND includes a Mitigation Monitoring Plan to ensure that the mitigation measures are followed and implemented as intended. A copy of the Mitigation Implementation and Monitoring Plan is appended to this decision as Attachment A. We herein adopt the Final MND.

### **Discussion**

WCLLC seeks to install new conduit and fiber optics cable and related facilities to serve specific customers. The project promises enhanced telecommunications services for these California customers. We conclude that the installation of new conduit and fiber optics cable and related facilities will not have potentially significant adverse environmental impacts.

WCLLC has advised the Commission that it owes no outstanding regulatory fees. Therefore, in accordance with the Final MND, we grant WCLLC leave to install the project set forth in its application.

### **Comments on Draft Decision**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for comment and review is being waived.

In Resolution ALJ 176-3095, dated September 19, 2002, the Commission preliminarily categorized this proceeding as ratesetting, and preliminarily determined that hearings were not necessary. Based on the record, we conclude that a public hearing is not necessary, nor is it necessary to alter the preliminary determinations in Resolution ALJ 176-3095.

### **Assignment of Proceeding**

Geoffrey F. Brown is the Assigned Commissioner and Jacqueline A. Reed is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. Notice of this application to construct specified telecommunications facilities appeared in the Daily Calendar on September 20, 2003.
2. No protests have been filed.
3. A hearing is not required.
4. In D.99-05-022 and D.99-10-062, the Commission determined that Applicant was qualified to provide resale and facilities-based interexchange telecommunications services.
5. The Sentry Maryville project will serve specific customers.
6. The Final MND was prepared in compliance with and pursuant to CEQA.
7. The Final MND represents the Commission's independent judgment.

### **Conclusions of Law**

1. Applicant's proposed project will not have potentially significant adverse environmental impacts.
2. The Final MND should be adopted pursuant to CEQA.
3. Applicant's construction project addressed in the Final IS/MND, should be approved.
4. Because of the need to commence construction promptly, this order should be effective immediately.

**O R D E R**

**IT IS ORDERED** that:

1. Decision (D.) 99-10-062 is modified to allow Williams Communications LLC (WCLLC), to construct the facilities addressed in the Final Initial Study and Mitigated Negative Declaration (Final MND), which includes the Mitigation Implementation and Monitoring Plan appended as Attachment A, subject to the terms and conditions set forth below and in D.99-05-022 and in D.99-10-062.

2. The Final MND is adopted pursuant to the California Environmental Quality Act.

3. WCLLC shall fully implement the mitigation measures described in the Final MND.

4. WCLLC shall enter into a cost reimbursement agreement with the Commission for expenses accrued from implementing the mitigation and monitoring plan as described in the Final MND. Compliance with this agreement is a condition of approval of this decision.

5. The Energy Division shall supervise and oversee the construction of the project insofar as it relates to monitoring and enforcement of the mitigation measures described in the Final MND. The Energy Division may designate outside staff to perform on-site monitoring tasks. The Commission project manager (Energy Division, Environmental Projects Unit) shall have the authority to issue a Stop Work Order, on the entire project, or portions thereof, for the purpose of ensuring compliance with the mitigation measures described in the Final MND. Construction may not resume without a Notice to Proceed issued by the Environmental Projects Unit of the Energy Division.

6. Applicant shall send a copy of this decision to concerned local permitting agencies, no later than 30 days from the date of this order.





7. The application is granted, to the extent set forth above.
8. This proceeding is closed.

This order is effective today.

Dated March 13, 2003, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
CARL W. WOOD  
LORETTA M. LYNCH  
GEOFFREY F. BROWN  
SUSAN P. KENNEDY  
Commissioners

## **Attachment A**

Table D-1. Mitigation Implementation and Monitoring Plan

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
<b>AIR QUALITY</b>				
Equipment exhaust associated with project construction activities	<b>AQ-1</b> <ul style="list-style-type: none"> <li>To reduce the amount of NO<sub>x</sub> generated during construction activities, Williams shall ensure that the following conditions are implemented:</li> <li>Limit the amount of idling time for diesel powered equipment to 2 minutes or less.</li> <li>To reduce NO<sub>x</sub> emissions associated with construction activities, the prime contractor shall provide a plan for approval by the CPUC, FRAQMD, and BCAQMD, demonstrating that the heavy-duty (&gt;50 horsepower) off-road vehicles to be used in the construction project, and operated by either the prime contractor or any subcontractor, will achieve a fleet-averaged 20 percent NO<sub>x</sub> reduction and 45 percent particulate reduction compared to the most recent CARB fleet average. The plan shall be submitted at least 14 days before the start of construction and shall demonstrate that construction activities will be staged so that emissions will be below the significance thresholds established by the FRAQMD. The prime contractor shall adhere to the plan throughout the duration of construction.</li> <li>The prime contractor shall submit to the CPUC, FRAQMD, and BCAQMD, at least 14 days before the start of construction, a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used an aggregate of 40 or more hours during the construction project. The inventory shall include the horsepower rating, engine production year, and hours of use or fuel throughput for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs.</li> <li>The prime contractor shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity shall be repaired immediately, and the CPUC, FRAQMD, and BCAQMD shall be notified within 48 hours of identification of non-compliant equipment. A visual survey of all in-operation equipment shall be made at least weekly by the Applicant's representatives, and monthly summary of the visual survey results shall be submitted to the CPUC, FRAQMD and BCAQMD throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. The FRAQMD, BCAQMD, and/or other officials may conduct periodic site inspections to determine compliance. Nothing in this mitigation measure shall supersede other FRAQMD, BCAQMD, or State rules or regulations.</li> </ul>	Williams to implement measure as defined.	CPUC site visit to verify compliance.	During construction.
Equipment exhaust associated with project construction activities	<b>AQ-2</b> For construction activities requiring a drill rig, a stationary-source air permit may be required prior to the start of construction. For boring operations, the prime contractor shall contact the respective air districts to determine whether a stationary-source air permit is required. If required, the prime contractor shall obtain that permit prior to initiating any boring activities, and a copy of the permit shall be provided to the CPUC's environmental monitor prior to the commencement of construction.	Williams to implement measure as defined.	CPUC site visit to verify compliance.	During construction.
Net increase in criteria pollutants	See Mitigation Measures <b>AQ-1</b> and <b>AQ-2</b> .			
Exposure of sensitive receptors to increased pollution	See Mitigation Measures <b>AQ-1</b> and <b>AQ-2</b> .			

Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
<b>BIOLOGY</b>				
Direct or indirect adverse effects on sensitive or special status species or their habitats	<b>BIO-1</b> <ul style="list-style-type: none"> <li>The Applicant shall retain qualified biologists and other qualified resource specialists, as necessary, to monitor project construction along the Ostrom, Avondale, and Biggs segments. Monitors shall be hired and trained prior to construction and shall be responsible for pre-construction surveys (<b>BIO-2</b>), resource delimitation (i.e. staking, flagging, etc.), onsite monitoring, documentation of violations and compliance, coordination with construction inspectors, and post-construction documentation.</li> <li>The Applicant's biological monitors shall locate and stake sensitive resources before construction activities begin in the Ostrom, Avondale, and Biggs segments. Resource monitors/contract construction inspectors shall patrol areas and work with contract compliance inspectors to ensure that barrier fencing, stakes, and required setback buffers are maintained in these locations. They shall also monitor all construction activities along the Ostrom segment.</li> <li>The Applicant's monitors shall be responsible for completing CPUC variance forms and obtaining clearance from the CPUC and resource agencies (CDFG and USFWS) for deviations from the agreed-upon mitigation measures.</li> </ul>	Williams to retain biological monitor(s), locate, map and delimit resources, complete requisite forms and prepare requisite reports and submit to CPUC, CDFG and USFWS for review and approval.	CPUC to review monitoring reports and variances (as appropriate), review possible deviations from proposed mitigation, periodically audit monitoring program to insure compliance with requirements, permits and clearances.	Prior to and during construction.
Same as above	<b>BIO-2</b> <p>The designated biologist (<b>BIO-1</b>) shall conduct daily pre-construction surveys prior to installation activities along the Ostrom segment to determine if any special status species or nesting raptors are present. Additionally, the designated biologist shall conduct pre-construction surveys along the Avondale and Biggs segments to determine if raptors are nesting within 500 feet of the proposed routes (<b>BIO-3</b>). Areas along Ostrom Road that could support special status wildlife species (streams, grasslands, wetlands) shall be avoided by project design (e.g., directional drilling) and shall be clearly staked or flagged for avoidance (<b>BIO-1</b>, <b>BIO-3</b>, and <b>BIO-7</b>).</p>	Williams to retain designated biologist / monitor to perform pre-construction surveys and delimit sensitive resources. Submit survey reports to CPUC, CDFG and USFWS for review and approval.	CPUC to review pre-construction survey reports and sensitive resource mapping and delimitation to ensure compliance with mitigation measures for compliance with CEQA and permit stipulations.	Prior to and during construction.

Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
Same as above	<p><b>BIO-3</b> The Applicant shall implement the following timing restrictions to avoid disturbance to sensitive species' breeding or nesting seasons:</p> <ul style="list-style-type: none"> <li>• <b>Nesting tricolored blackbird and northern harrier.</b> For project activities along the Ostrom segment that occur within 250 of potential nesting habitat for tricolored blackbird and northern harrier, pre-construction surveys shall be conducted to determine the presence of nesting birds no more than two weeks prior to construction during March-September. If pre-nesting or nesting activity is identified, a determination shall be made in consultation with CDFG as to whether or not construction will impact nesting birds. If it is determined that construction will impact nests, construction within 250 feet of the nesting locations shall be delayed until juvenile birds have fledged.</li> <li>• <b>Nesting raptors.</b> Pre-construction surveys shall be performed along the Ostrom, Avondale, and Biggs segments to identify potential raptor nesting sites. To avoid potential adverse effects on nesting raptors, a no-disturbance buffer zone shall be established around active nests during the breeding season. No construction shall occur within the specified buffer zones during the breeding season (February 1 to August 31) or until it is determined that young have fledged.</li> <li>• If construction activities are proposed to occur only during the non-breeding season (August 31 through February 1), no pre-construction surveys shall be required. If, however, construction activities are scheduled to occur during the breeding season, pre-construction surveys of all potentially active nest sites within 500 feet of the construction corridor (access permitting) shall be conducted in areas that may potentially have nesting raptors. If surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation shall be required.</li> <li>• If active nests are found, a 500-foot, no-disturbance buffer shall be established around the active nest. The size of individual buffers can be adjusted, following a site evaluation by a qualified raptor biologist, which shall involve the presence of topographical features that obstruct the line of site from the construction activities to the nest or observations of the nesting pair during construction based on the level of ongoing disturbance (e.g., farming activities or road traffic) and the observed sensitivity of the birds. Site evaluations and buffer adjustments shall be made in consultation with the local CDFG representative. The portion of the project that is within the designated buffer shall be identified in the field by staking and flagging.</li> </ul>	Williams' designated biologist / monitor to report and implement appropriate construction timing restrictions for nesting/breeding periods of sensitive species, as defined. Work plans will indicate what areas of the project are applicable to measure. Reports and defined exclusion areas to be submitted to CPUC, CDFG, and USFWS for review and approval.	CPUC to review pre-construction survey reports and construction timing restriction recommendations to verify CEQA and resource permit compliance.	Prior to and during construction.
Same as above	<p><b>BIO-4</b> At the end of each workday, open trenches shall be fully covered with steel plates to prevent entrapment of wildlife species. Both ends of any open trench shall be sloped to form escape ramps before they are covered. If wildlife is found in a trench, the designated biological monitor shall immediately be informed and the animal(s) shall be removed. If the animal(s) is/are a sensitive species that requires special handling authorization (e.g., giant garter snake), a qualified biologist (agency-permitted or approved to handle a specific species) shall remove the animal before resumption of work in that trench segment. The Applicant shall specify this requirement in the agreements with all construction contractors.</p>	Williams' designated biologist to monitor trenches at the end of each workday for appropriate wildlife protection, and remove trapped wildlife, as appropriate.	CPUC to review monitoring reports and periodically monitor construction zone to assure compliance with CEQA requirements and resource agency permits.	Prior to and during construction.

Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
Same as above	<b>BIO-5</b> The project Applicant shall conduct Worker Environmental Awareness Program (WEAP) training for construction crews (primarily crew and construction foremen) before construction activities begin. The WEAP shall include a brief review of the special status species and other sensitive resources that could occur in the proposed project area (including their life history and habitat requirements and what portions of the proposed project area they may be found in) and their legal status and protection. The program shall also cover all mitigation measures, environmental permits and proposed project plans, such as SWPPP (WQ-1), BMPs, erosion control and sediment plan, reclamation plan, and any other required plans. The program shall also present the locations of sensitive resources on construction drawings. The designated biological monitor shall be responsible for ensuring that construction personnel adhere to the guidelines and restrictions. WEAP training sessions shall be conducted as needed for new personnel brought onto the job during the construction period. A list of all personnel who have attended the WEAP training shall be kept by the biological monitor and shall be available for CPUC review in the field at all times, and a copy shall be submitted to the CPUC. During WEAP training, construction personnel shall be informed of the importance of avoiding ground-disturbing activities outside of the designated work area.	Williams' designated biologist / monitor to conduct WEAP training, maintain records of workers receiving training and provide reports to CPUC.	CPUC to review WEAP training reports and periodically monitor construction to verify compliance of construction personnel with WEAP.	Prior to and during construction.
Same as above	<b>BIO-6</b> The Applicant shall acquire all permits and authorizations required by federal, State, regional, and local jurisdictions to construct near areas with sensitive biological resources. Throughout the life of the project, additional species may be listed or designated as special status, and Williams shall comply with any new requirements of the USFWS or CDFG for such species.	Williams to acquire all permits and authorizations required by appropriate jurisdictions to construct near areas with sensitive biological resources.	CPUC to monitor construction activities for compliance.	Prior to and during construction.
Same as above	<b>BIO-7</b> Fiber optic cable installation shall be limited to a 10-foot wide work area along Ostrom Road and shall not take place within any sensitive habitats, including wetlands and stream crossings that cross or are adjacent to the road. Prior to initiation of construction activities near identified jurisdictional wetlands, the designated biological monitor shall identify the specific location(s) and install protective barriers to protect these resources. The contract inspectors and designated biological monitor shall routinely inspect these areas to ensure that barriers remain in place and are effective. Protective barriers shall remain in place until all construction activities are complete in areas near sensitive resources. Wetlands and stream crossings shall also be identified on the construction drawings.	Williams' designated biologist / monitor to monitor construction to assure compliance with work area restrictions and delimit sensitive resources, indicate location of delimited areas on construction drawings.	CPUC to review construction drawings for resource delimitation and periodically monitor construction for appropriate work-zone restrictions.	Prior to and during construction.
Direct or indirect effects on riparian habitat or other sensitive natural communities	See Mitigation Measures <b>BIO-1</b> , <b>BIO-2</b> , <b>BIO-5</b> , and <b>BIO-6</b> .			

Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
Same as above	<b>BIO-8</b> The Applicant shall obtain any and all required permits <del>from</del> and obey ordinances of appropriate local jurisdictions prior to removal of or damage to trees <u>in the City of Sacramento and</u> along or adjacent to the Ostrom Road, Avondale, or Biggs segments.	Williams to acquire all permits and authorizations required by appropriate jurisdictions.	CPUC to periodically monitor tree removal for permit compliance.	Prior to construction.
<b>CULTURAL RESOURCES</b>				
Construction related activities could damage and/or destroy historical and/or archeological resources	<b>CR-1</b> <ul style="list-style-type: none"> <li>Williams Communications shall appoint a Cultural Resources Specialist (CRS), or specialists to monitor the site construction activities, prior to the start of project-related vegetation clearance, ground disturbance and grading, site or project mobilization, site preparation or excavation activities, implementation of erosion control measures, or movement or parking of heavy equipment or other vehicles onto or over unpaved or natural areas of the project. Williams Communications shall submit to the CPUC, for review and approval, the name(s) and statement of qualifications for its designated cultural resources specialist, or specialists, who will be responsible for implementation of all cultural resources mitigation measures. The statement of qualifications must be sufficient to substantiate that the CRS meets the Secretary of the Interior's proposed Historic Preservation Qualification Standards as published in the Federal Register.</li> <li>Prior to the start of any project-related activity defined above, Williams Communications shall confirm in writing to the CPUC that the approved designated CRS will be available at the start of the project and is prepared to implement the mitigation measures. Ten days prior to the termination or release of a designated CRS, Williams Communications shall obtain CPUC approval of the proposed replacement CRS.</li> </ul>	Williams to implement measure as defined.	CPUC to conduct site visits to verify compliance with measure.	Prior to and during construction.
Same as above	<b>CR-2</b> Should previously unidentified cultural resources be encountered during construction, work within 100 feet of the area of the find shall stop until such time that a qualified archaeologist can evaluate the find and make appropriate recommendations for mitigation, if warranted. The CRS shall immediately notify the CPUC Environmental Monitor. If the find is significant, the resource shall be avoided. If avoidance is not possible, a meeting with the CPUC and other agency personnel shall be held to discuss data recovery and/or other measures as possible mitigation. Data recovery may be considered appropriate mitigation when it reduces a significant impact to a less than significant level, but this would be dependent upon the value of the discovered resource. An appropriate research design describing the methods to be used during recovery and analysis, research questions to be addressed, and artifact curation requirements shall direct the data recovery. The technical report of findings shall be submitted to the CPUC and the appropriate CHRIS Information Centers. Implementation of this mitigation measure will result in avoidance of a substantial adverse change in the significance of historical or archaeological resources that could be inadvertently discovered during construction.	Williams to implement measure as defined.	CPUC to conduct site visits to verify compliance with measure.	During construction.

Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
Potential discovery or disturbance of unique paleontological resources during construction	<p><b>CR-3</b> Williams Communications shall appoint a professional Paleontological Resource Specialist (PRS), or specialists, who would be available on-call should fossil remains be encountered during construction. Williams shall submit to the CPUC, for review and approval, the name(s) and statement of qualifications for its designated PRS(s) who would be responsible for the implementation of this mitigation measure. The statement of qualifications must be sufficient to substantiate that the PRS(s) are qualified under the professional guidelines of the Society of the Vertebrate Paleontology (SVP).</p> <p>As part of conducting the WEAP, under Mitigation Measure BIO-5, the Applicant shall include worker training for identification of paleontological resources by a qualified professional paleontologist familiar with the 1995 SVP guidelines. In the event that fossil remains are encountered during project construction, the PRS(s) shall be contacted. Construction within 100 feet of the find shall be temporarily halted or diverted until a qualified vertebrate paleontologist examines the discovery. The paleontologist shall notify the appropriate agencies and the CPUC Environmental Monitor to determine procedures that would be followed before construction is allowed to resume at the location of the find. Significant fossils shall be salvaged through a program of excavation, analysis, and documentation approved by the CPUC and appropriate agencies. Fossil remains collected during the salvage program shall be cleaned, sorted, catalogued, and then deposited in a public, non-profit institution with research interests in the materials</p>	Williams to conduct worker training and monitor construction activities and implement measure as defined.	CPUC to review training reports and conduct site visits to verify compliance with measure.	Prior to and during construction.
Substantial effects may occur to human burials from trenching operations	<p><b>CR-4</b> If human remains are found at any time during project activities (vegetation clearance; ground disturbance and grading; site or project mobilization; site preparation or excavation activities; implementation of erosion control measures; or the movement of parking of heavy equipment or other vehicles onto or over the project surface), all work shall immediately stop within 150 feet of the find. The CRS shall be notified immediately and shall, in turn, immediately notify the county coroner for the appropriate county in compliance with Section 7050.5 of the California Health and Safety Code and notify the CPUC Environmental Monitor. If the coroner determines that the remains are of Native American origin, the coroner shall contact the NAHC within 24 hours. If human remains of Native American origin are discovered during ground-disturbing activities on nonfederal lands, State laws relating to the disposition of Native American burials will apply. The Native American Heritage Commission (NAHC) will have jurisdiction (Pub. Res. Code Sec. 5097). The NAHC shall identify the person or persons it believes are the most likely descendant of the deceased Native American.</p>	Williams to implement measure as defined.	CPUC to conduct site visits to verify compliance with measure.	Prior to and during construction.
<b>GEOLOGY AND SOILS</b>				
Substantial soil erosion or loss of topsoil	See Mitigation Measures <b>WQ-1</b> and <b>BIO-1</b> .			



Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
<b>HAZARDS &amp; HAZARDOUS MATERIALS</b>				
Potential significant hazard to the public or the environment due to the transport, use, or disposal of hazardous materials	See Mitigation Measures <b>WQ-1</b> and <b>WQ-2</b> .			
Hazardous materials could result in accidental releases into the environment during construction	<b>HAZ-1</b> The Applicant shall ensure proper labeling, storage, handling, and use of hazardous materials in accordance with best management practices and the Occupational Safety and Health Administration's HAZWOPER requirements. The Applicant shall ensure that all employees are properly trained in the use and handling of these materials and that each material is accompanied by a material safety data sheet (MSDS) deemed adequate by the CPUC. To avoid unexpected releases of hazardous materials, the Applicant shall employ individuals trained in accordance with the Occupational Safety and Health Administration's HAZWOPER requirements.	Williams to implement measure as defined.	CPUC to monitor construction activities for compliance with plan.	Prior to and during construction.
Same as above	<b>HAZ-2</b> A Hazardous Materials Management/Spill Prevention Plan shall be submitted to the CPUC for review and approval prior to construction. The purpose of the plan is to provide on-site construction managers, environmental compliance monitors, and regulatory agencies with a detailed description of hazardous materials management, spill prevention, and spill response/cleanup measures associated with the construction of project elements. The primary objective of the plan is to prevent the spill of hazardous materials; the plan shall be given to all contractors working on the project. At least one copy shall be on-site with the construction manager at all times. The plan shall include the following requirements: <ul style="list-style-type: none"> <li>Staging areas where refueling, storage, and maintenance of equipment will take place shall be defined. Such areas shall not be located within 100 feet of drainages or any other body of water, or wetlands or riparian areas, to reduce the potential of contamination by spills.</li> <li>During construction activities, equipment shall be maintained and kept in good operating conditions to reduce the likelihood of line breaks and leakage.</li> <li>Fluids drained from machinery during services at staging areas shall be collected in leak-proof containers and disposed of at appropriate disposal or recycling facilities.</li> <li>No refueling or servicing shall be done without absorbent material (e.g., absorbent pads, mats, socks, pillows, and granules) or drip pans underneath to contain spilled material.</li> <li>Spill control and countermeasures shall be defined, including but not limited to employee spill prevention/response training and a description of onsite cleanup equipment (e.g., absorbent pads, mats, socks, granules, etc.) available at staging and construction sites.</li> <li>Resource agency notification and documentation procedures shall be defined.</li> </ul>	Williams to submit plan to CPUC for review and approval; implement measure as defined.	CPUC to review and approve plan and monitor construction activities for compliance with plan.	Prior to and during construction.

Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
Same as above	<b>HAZ-3</b> The Applicant shall prepare a Health and Safety Plan that includes a contingency plan in the event hazardous wastes are encountered. Before site activities may begin, the Applicant shall submit the plan to the CPUC for review and approval, and once the plan is approved, shall send it to each agency with jurisdiction. The Health and Safety Plan, applicable to all excavation activities, shall establish policies and procedures to protect workers and the public from potential hazards posed by hazardous wastes. The plan shall be prepared according to federal and California OSHA regulations for hazardous waste site Health and Safety Plans. This Health and Safety Plan shall also provide for proper storage and/or disposal of any contaminated soils that meet the definition of a hazardous waste. Such a protocol could include off-site treatment of contaminated materials or disposal at an appropriate landfill.	Williams to submit plan to CPUC for review and approval; implement measure as defined.	CPUC to review and approve plan and monitor construction activities for compliance with plan.	Prior to and during construction.
Hazardous materials in area of school	See Mitigation Measures <b>HAZ-1</b> through <b>HAZ-3</b> .			
Interference with emergency response	See Mitigation Measure <b>TRA-2</b> .			

Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
<b>HYDROLOGY AND WATER QUALITY</b>				
Potential violation of water quality standards or water discharge requirements during construction	<p><b>WQ-1</b> The Applicant shall develop and implement Best Management Practices (BMPs) for construction on the Biggs and Avondale segments. For the Ostrom segment where construction-related activities would lead to one acre or more of soil disturbance, a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared to minimize impacts to water quality related to stormwater and non-stormwater discharges. The SWPPP shall include BMPs to control the transport of sediment to streams, measures to promote the recovery of construction areas to pre-construction condition, and avoid the potential for large or chronic spills of hazardous substances. The SWPPP shall also demonstrate compliance with all applicable local and regional erosion and sediment control standards, identification of responsible parties, a detailed construction timeline, and BMPs monitoring and maintenance schedule. The SWPPP shall be provided to the CPUC for review and approval at least 14 days before construction starts.</p> <p>Examples of BMPs for stormwater and non-stormwater discharges include the following:</p> <ul style="list-style-type: none"> <li>• All onsite personnel shall complete a training course on issues related to stormwater and non-stormwater discharges and BMP implementation and monitoring.</li> <li>• No construction-related materials, wastes, spills or residues shall be discharged from the project.</li> <li>• The staging of construction materials, equipment, and excavation spoils shall be performed outside of drainages.</li> <li>• Re-grading and compacting of backfill in trenches and drilling pits to match natural, adjacent site conditions.</li> <li>• Any hazardous materials, including but not limited to petroleum hydrocarbons and hydraulic fluids, shall be stored in areas with primary and secondary containment.</li> <li>• Contained spills may then be cleaned using appropriate materials and/or cleaning agents. Waste from spill containment and cleanup shall be properly handled and disposed as hazardous waste in accordance with hazardous waste regulations.</li> <li>• Protocols shall be developed and include the following: material safety data sheets (MSDS); description of potentially hazardous and non-hazardous materials that could be spilled accidentally during construction (fuels, equipment lubricant, human waste and chemical toilets, and directional drilling slurries); potential spill sources, potential spill causes, proper storage and transport methods, spill containment, spill recovery, agency notification, and responsible parties.</li> <li>• Excavated or disturbed soil shall be kept within a controlled area surrounded by a perimeter barrier that may entail silt fence, hay bales, straw wattles, or a similarly effective erosion control technique that prevents the transport of sediment from a given stockpile. In addition, all stockpiled material shall be covered or contained in such a way that eliminates offsite runoff and wind related erosion from occurring.</li> <li>• Upon completion of construction activities, all disturbed areas shall be regarded graded and permanently stabilized.</li> <li>• Surplus soil shall be transported from the site and disposed of appropriately at approved sites.</li> </ul>	Williams to submit SWPPP to CPUC and RWQCBs for review and approval; implement measure as defined.	CPUC to review SWPPP and monitor construction activities for compliance with the plan.	Prior to and during construction. Post-construction monitoring of any areas seeded for revegetation.

Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
Same as above	<b>WQ-2</b> The Applicant shall prepare a Frac-out Contingency Plan and submit it to the CPUC for review and approval prior to the start of construction. The plan shall define measures to minimize the potential for directional drilling slurry seeps. The plan shall include the following requirements: require boring crews to strictly monitor drilling fluid pressures; retain containment equipment on-site; monitoring waters downstream of the crossing sites to identify any seeps quickly; immediately stop work if a seep into a stream is detected; immediately implement containment measures; adhere to agency reporting and notification requirements; and identify responsible parties. The plan shall ensure that any agencies restricting actions through the issuance of a permit or other authorization must be informed of the type of directional-drilling slurry to be used during directional drilling operations in order that the selection of the most appropriate slurry can be made.	Williams to submit Plan to CPUC for review and approval; implement measure as defined.	CPUC to review and approve Plan; monitor construction activities to ensure compliance with Plan.	Prior to and during construction.
Same as above	<b>WQ-3</b> The Applicant shall consult with a representative from the CVRWQCB prior to any construction activities regarding the proposed project and the potential to encounter groundwater during construction operations. The Applicant shall provide written correspondence to the CPUC regarding the CVRWQCB decision. If a separate NPDES permit for pumped groundwater is required, the Applicant shall provide the CPUC copies of the required documentation (per the permit provisions) prior to the start of the specific construction activities that could affect groundwater.	Williams to submit documentation to CPUC and implement measure as defined.	CPUC to review documentation.	Prior to construction.
Potential substantial degradation of water quality during construction	See Mitigation Measures <b>WQ-1</b> and <b>WQ-2</b> .			
<b>LAND USE</b>				
Conflicts with existing and planned land uses	<b>LU-1</b> Prior to construction of each segment, Williams shall submit to the CPUC written documentation, including evidence of review by the appropriate public works, planning, and/or community development agency for the applicable jurisdictions. This documentation shall include the following: <ul style="list-style-type: none"> <li>• Site plan showing the dimensions and location of the finalized alignment;</li> <li>• Evidence that the project meets all necessary requirements;</li> <li>• Evidence of compliance with design standards;</li> <li>• Copies of any necessary permits or conditions of approval;</li> <li>• Records of any discretionary decisions made by of the applicable jurisdictions.</li> </ul>	Williams to submit documentation to CPUC and implement measure as defined.	CPUC to review documentation for compliance.	Prior to construction.

Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
<b>NOISE</b>				
Construction equipment noise	<p><b>NOI-1</b> When installing and constructing fiber optic cable system, the prime contractor shall employ the following noise-reducing measures:</p> <ul style="list-style-type: none"> <li>• Restrict construction activity along routes and at staging areas within 1,000 feet of residences to daytime hours (7 a.m. to 7 p.m.). No construction shall be performed within 3,000 feet of an occupied dwelling unit on Sundays, legal holidays, or between the hours of 7 p.m. and 7 a.m. on other days, unless expressly allowed by a local jurisdiction</li> <li>• All equipment shall have sound-control devices no less effective than those provided on the original equipment</li> <li>• No equipment shall have an unmuffled exhaust</li> <li>• If traffic control devices requiring electrical power were employed within 500 feet of sensitive receptors, the devices shall be battery/solar-powered instead of powered by electrical generators.</li> </ul> <p>As directed by any local jurisdiction, the prime contractor and sub-contractors shall implement appropriate additional noise mitigation measures to comply with the applicable local noise ordinance including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.</p>	Williams to implement measure as defined.	CPUC to conduct site visits to verify compliance with measure.	During construction.
Excessive ground borne vibration or noise	See Mitigation Measure <b>NOI-1</b> .			
Substantial temporary or periodic exceedance of ambient noise levels	See Mitigation Measure <b>NOI-1</b> .			
<b>PUBLIC SERVICES</b>				
Impact to emergency service response times	See Mitigation Measure <b>TRA-2</b> .			
Reduction of police vehicle movement in an emergency during construction	See Mitigation Measure <b>TRA-2</b> .			
Reduction of emergency service access along the construction route	See Mitigation Measure <b>TRA-2</b> .			

Table D-1. Mitigation Implementation and Monitoring Plan, cont.

Impact	Mitigation Measure	Implementation Actions	Monitoring Requirements	Timing of Action
<b>TRANSPORTATION AND TRAFFIC</b>				
Impairment of traffic flow and increased potential for accidents associated with road encroachments during construction	<b>TRA-1</b> Williams shall obtain all necessary local and State road encroachment permits, and railroad encroachment permit (license), prior to the start of construction, and shall comply with all the applicable conditions of approval. As deemed necessary by the applicable jurisdiction, the road encroachment permits shall require the contractor to prepare a traffic control plan in accordance with professional engineering standards prior to construction. The traffic control plan shall include the following requirements unless the applicable jurisdiction directs otherwise: <ul style="list-style-type: none"> <li>Identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.</li> <li>Develop circulation and detour plans to minimize impacts to local street circulation. This shall include the use of signing and flagging to guide vehicles through and/or around the construction zone.</li> <li>Schedule truck trips outside of peak morning and evening commute hours.</li> <li>Limit lane closures during peak hours to the extent possible.</li> <li>Use haul routes minimizing truck traffic on local roadways to the extent possible.</li> <li>Include detours for bicycles and pedestrians in all areas potentially affected by project construction.</li> <li>Install traffic control devices as specified in the California Department of Transportation Manual of Traffic Controls for Construction and Maintenance Work Zones.</li> <li>Store construction materials only in designated areas.</li> <li>Coordinate with local transit agencies for temporary relocation of routes or bus stops in work zones, as necessary</li> </ul>	Williams to provide all applicable permits to CPUC for review, and implement measure as defined.	CPUC to review permits and monitor construction activities for compliance.	Prior to and during construction.
Construction activities could impede emergency vehicle traffic	<b>TRA-2</b> Williams shall develop an Emergency Vehicle Access Plan that includes the following: <ul style="list-style-type: none"> <li>Evidence of advanced coordination with emergency service providers, including but not necessarily limited to police departments, fire departments, ambulance services, and paramedic services. Emergency service providers shall be notified of the proposed project locations, nature, timing, and duration of any construction activities, and shall be asked for advice about any road access restrictions that could impact their response effectiveness.</li> <li>Project construction schedules and routes designed to avoid restricting movement of emergency vehicles to the best extent possible.</li> <li>Provisions to be ready at all times to accommodate emergency vehicles at locations where access to nearby properties may be blocked. Provisions could include the use of platings over excavations, short detours, and/or alternate routes.</li> </ul>	Williams to submit plan to CPUC for review and approval; implement measure as defined.	CPUC to review and approve plan and monitor construction activities for compliance with plan.	Prior to and during construction.
Increase in potential accidents during construction	See Mitigation Measure <b>TRA-1</b> .			